

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

SC Court of Appeals

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2016-2339
Case No. 2014-CP-08-2424

Patricia Damico and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brittany Beutow, Edward and Sylvia Degg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins, Respondents,

v.

Lennar Carolinas, LLC, Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc. TJB Trucking/Leasing, LLC, Paragon Site Constructors, Inc., Civil Site Environmental and Rick Bryant, Individually, Defendants,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc. TJB Trucking/Leasing, LLC, and Civil Site Environmental are Respondents.

And

Lennar Carolinas, LLC, Appellant,

v.

The Earthworks Group, Inc., Volkmar Consulting Services, LLC, Geometries Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource Southeast Group, LLC, and Low Country Renovations and Siding, LLP, Third-Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource Southeast Group, LLC, are also Respondents.

And

Decor Corporation, Fourth Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidini Mejia, Juan Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Paz Castro Hernandez, Divinio Aperecido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4, Fourth Party Defendants.

RESPONDENTS PATRICIA DAMICO, JOSHUA AND BRETTANY
BEUTOW, BRYAN AND CYNTHIA CAMARA, MATTHEW COLLINS,
JONATHAN AND TERESA DOUGLASS, CZARRA AND CHAD ENGLAND,
LENNA LUCAS, AND DANNY AND ELLEN DAVIS MORROW'S
DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

Respondents Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Teresa Douglas, Czarra and Chad Engalnd, Lenna Lucas, and Danny and Ellen Davis Morrow by and through their undersigned counsel propose the following to be included in the Record on Appeal:

1. Order Denying Lennar's Motion to Alter or Amend, Filed October 26, 2016;
2. Order Denying Lennar's Motion to Compel Arbitration, Filed September 21,

2016;

3. Plaintiffs' Complaint, Filed December 12, 2014;
4. Lennar's Answer, Cross-Claims, and Third-Party Complaint, Filed February 17, 2015;
5. Plaintiffs' First Amended Summons and Complaint, Filed November 23, 2015;
6. Lennar's Answer to Plaintiff's First Amended Complaint, Cross-Claims and Third Party Complaint, Filed November 25, 2015;
7. Lennar's Motion to Compel Arbitration (without Exhibits), Filed June 1, 2015;
8. Lennar's Amended Motion to Compel Arbitration with all Exhibits and Attachments, Filed March 30, 2016;
9. Plaintiffs' Memorandum in Opposition to Lennar's Motion to Compel Arbitration, Filed April 7, 2016;
10. Lennar's Reply to Plaintiffs' Memorandum in Opposition to Lennar's Amended Motion to Compel Arbitration, Submitted to the Court April 8, 2016;
11. Lennar's Motion to Alter or Amend, Filed October 3, 2016;
12. Transcript of April 11, 2016 hearing on Lennar's Motion to Compel Arbitration.

I certify that this designation contains no matter which is irrelevant to this appeal.

[Signature on following Page]

Respectfully submitted,

John C. Hayes, IV, Esquire (SC Bar # 69740)
Mary-Margaret F. Noland, Esquire (SC Bar # 71713)
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
Phone: 843-805-7003
Fax: 843-573-7388
jhayes@hayeslaw.org
mnoland@hayeslaw.org

***ATTORNEYS FOR RESPONDENTS PATRICIA
DAMICO, JOSHUA AND BRETTANY
BEUTOW, BRYAN AND CYNTHIA CAMARA,
MATTHEW COLLINS, JONATHAN AND
TERESA DOUGLASS, CZARRA AND CHAD
ENGLAND, LENNA LUCAS, AND DANNY AND
ELLEN DAVIS MORROW***

July 5, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
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J.C. Nicholson, Jr., Circuit Court Judge

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The Earthworks Group, Inc., Volkmar Consulting Services, LLC, Geometries Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors,

LLC, Builders Firstsource Southeast Group, LLC, and Low Country Renovations and Siding, LLP, Third-Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource Southeast Group, LLC, are also Respondents.

And

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PROOF OF SERVICE

I, the undersigned, certify that I have served Respondents' Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Teresa Douglas, Czarra and Chad England, Lenna Lucas, and Danny and Ellen Davis Morrow's (1) Initial Brief and (2) Designation of Matter to be included in the Record on Appeal, to the attorneys of record by depositing a copy of it in the United States Mail on July 5, 2017, addressed to the following:

James Lyn Werner
Jenna K. McGee
F. Elliotte Quinn IV
Parker, Poe, Adams & Bernstein, LLP
PO Box 1509
Columbia, SC 29201
Attorneys for Appellant Lennar Carolinas, LLC

Michael J. Jordan
Catherine K. Dunn
The Steinberg Law Firm, LLP
PO Box 1028
Goose Creek, SC 29445
Attorneys for Respondents Patricia Damico; Joshua and Brittany Beutow; Bryan and Cynthia Camara; Matthew Collins; Jonathan and Theresa Douglass; Czara and Chad England; Lenna Lucas; Danny and Ellen Davis Morrow

Laura H. Budd
The Budd Law Group, PLLC
10550 Independence Point Pkway, Suite 301
Matthews, NC 28105
Attorneys for Respondent Alpha Omega Construction Group, Inc.

Stephen L. Brown
Catherine H. Chase
Young Clement Rivers, LLP
PO Box 993
Charleston, SC 29402
Attorneys for Respondent Alpha Omega Construction Group, Inc.

Brent M. Boyd
PO Box 6648 4406-B Forest Dr.
Columbia, SC 29260
Attorney for Respondents Coastal Concrete Southeast, LLC and Coastal Concrete Southeast II, LLC

Kathy A. Carleston
N. Keith Emge (Chip)
Carlock Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
Attorney for Respondent Civil Site Environmental, Inc.

Stephen P. Hughes
Howell Gibson and Hughes, P.A.
PO Box 40
Beaufort, SC 29901
Attorney for Respondent Builders FirstSource-Southeast Group, LLC

Preston B. Dawkins, Jr.
Aiken Bridges, P.A.
P.O. Drawer 1931
Florence, SC 29503
Attorneys for Respondent Alpha Omega Construction Group, Inc.

David S. Cobb
Turner Padgett
PO Box 22129
Charleston, SC 29413
Attorney for Respondent Construction Applicators Charleston, LLC

Samia Nettles
James H. Elliott, Jr.
Richardson Plowden
40 Calhoun Street, Suite 220
Charleston, SC 29401
Attorney for Respondent Décor Corporation and Manale Landscaping, LLC

S. Markey Stubbs
Baker Ravenel Bender
PO Box 8057
Columbia, SC 29202
Attorney for Respondent DVS, Inc.

Christine Companion Varnado
The Seibels Law Firm
38 Broad Street, Suite 200
Charleston, SC 29401
Attorneys for Respondent Guaranteed Framing, LLC

Steven L. Smith
Zachary J. Closser
Samuel M. Wheeler
Smith Closser, P.A.
PO Box 405878
Charleston, SC 29423-0578
Attorneys for Respondents Knight's Concrete Products, Inc. and Knight's Redi-Mix, Inc.

John E. Rogers, II
The Ward Law Firm, p.A.
PO Box 5663
Spartanburg, SC 29304
Attorney for Respondent Land/Site Services, Inc.

Jenny C. Honeycutt
PO Box 13466
James Island, SC 29422
Attorney for Respondent South Carolina Exteriors, LLC

R. Trippett Boineau, III
Heath McAlvin Stewart, III
McAngus, Goudelock & Courie, LLC
PO BOX 12519
Columbia, SC 29211
Attorneys for Respondent Spring Grove Plantation Development, Inc.

Derek M. Newberry
Hall Booth Smith, P.C.
40 Calhoun Street, Suite 550
Charleston, SC 29401

Attorneys for Respondent Guaranteed Framing, LLC

Alan R. Belcher, Jr.
40 Calhoun Street, Suite 550
Charleston, SC 29401
Attorneys for Respondent Guaranteed Framing, LLC

Erin D. Dean
Tupper Grimsely & Dean, P.A.
PO BOX 2055
Beaufort, SC 29901-2055
Attorney for Respondents LA New Enterprises, LLC and Raul Martinez Masonry, LLC

Thomas F. Dougall
William A. Collins, Jr.
Michael Kalwajtys
Dougall & Collins
1700 Woodcreek Farms Road, Suite 100
Elgin, South Carolina 29045
Attorney for Respondent Ozzy Construction, LLC

Bachman S. Smith, IV
Haynsworth Sinkler Boyd, P.A.
134 Meeting Street, Third Floor
Charleston, SC 29401
Attorney for Respondent Southern Green, Inc.

R. Patrick Flynn
Michael Allen
Pope Flynn, LLC
PO Box 70
Charleston, SC 29402
Attorneys for Respondent Super Concrete of SC, Inc.

David Shuler Black
Howell Gibson & Hughes, P.A.

PO Box 40
Beaufort, SC 29901-0040
*Attorney for Respondent TJB
Trucking/Leasing, LLC*

Edward and Sylvia Dengg
238 Maywood Drive
Moncks Corner, SC 29461
Pro Se Respondents

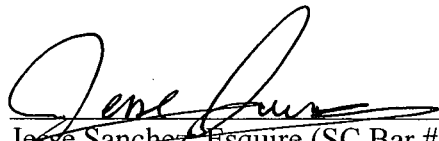
Third Party Defendant Myers
Landscaping, Inc.
c/o Joseph H. Myers, Registered Agent
Myers Landscaping, Inc.
382 Big Bird Lane
Summerville, SC 29486

Ronald G. Tate, Jr.
R. Batten Farrar

Gallivan, White & Boyd, P.A.
PO Box 10589
Greenville, SC 29603
*Attorneys for Respondent Volkmar
Consulting Services, LLC.*

Anthony and Stacey Ray
107 Loch Circle
Hampton, VA 23669
Pro Se Respondents
Shanna Milcetek Stephens
Katherine C. Miars
Anderson Reynolds & Stephens, LLC
PO Box 87
Charleston, SC 29402
*Attorney for Respondent A.C.&A
Concrete, Inc*

[Signature on Following Page]



Jesse Sanchez, Esquire (SC Bar #101906)
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, SC 29401
Phone: 843-814-8181
Fax: 843-284-3953
jesse@jessesanchezlaw.com

On behalf of,

John C. Hayes, IV, Esquire (SC Bar # 69740)
Mary-Margaret F. Noland, Esquire (SC Bar # 71713)
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
Phone: 843-805-7003
Fax: 843-573-7388
jhayes@hayeslaw.org
mnoland@hayeslaw.org

***ATTORNEYS FOR RESPONDENTS PATRICIA
DAMICO, JOSHUA AND BRETTANY
BEUTOW, BRYAN AND CYNTHIA CAMARA,
MATTHEW COLLINS, JONATHAN AND
TERESA DOUGLASS, CZARRA AND CHAD
ENGLAND, LENNA LUCAS, AND DANNY AND
ELLEN DAVIS MORROW***

July 5, 2017
Charleston, South Carolina

HAYES LAW FIRM, LLC

180 Meeting Street – Suite 330
Charleston, South Carolina 29401

Tel: (843) 805-7003

Fax: (843) 573-7388

John C. Hayes, IV
Email: jhayes@hayeslaw.org

Mary-Margaret F. Noland
Email: mnoland@hayeslaw.org

July 5, 2017

VIA USPS PRIORITY MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. BOX 11629
Columbia, SC 29211

Re: Patricia Damico, et. al. v. Lennar Carolinas, LLC, et al.
Case No. 2014-CP-08-2424; Appellate Case No. 2016-2339.

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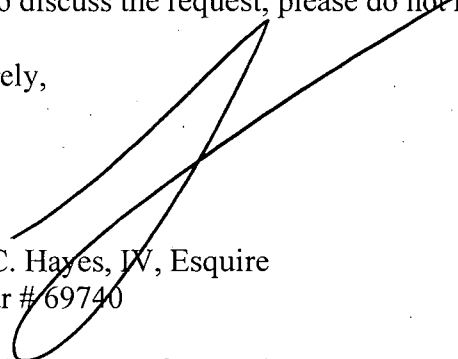
Dear Ms. Kitchings,

Enclosed herewith, please find one (1) original and seven (7) copies of Respondents Patricia Damico, Joshua and Brettany Beutow, Bryan and Cynthia Camara, Matthew Collins, Jonathan and Teresa Douglas, Czarra and Chad England, Lenna Lucas, and Danny and Ellen Davis Morrow's (1) Initial Brief, (2) Designation of Matter to be included in the Record on Appeal, (3) and Proof of Service.

Please file the same and return one (1) file-stamped copy in the enclosed prepaid envelope.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss the request, please do not hesitate to contact me directly.

Sincerely,


John C. Hayes, IV, Esquire
SC Bar #69740

Cc: All Counsel of Record

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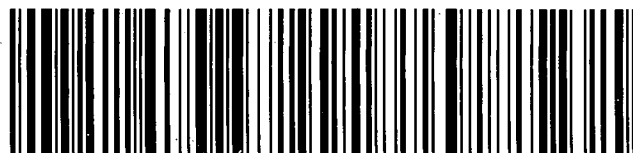
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